

VETERANS DAY

CHAPTER 11

S. B. No. 11

An Act relating to the day designated as Veterans Day; amending Article 4591, Revised Civil Statutes of Texas, 1925, as amended, and Sections 1 and 2, Article 10a, Subchapter IX, The Texas Banking Code of 1943, as amended (Article 342—910a, Vernon's Texas Civil Statutes); and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 4591, Revised Civil Statutes of Texas, 1925, as amended, is amended¹¹ to read as follows:

Art. 4591. Enumeration

The first day of January, the 19th day of January, the third Monday in February, the second day of March, the 21st day of April, the last Monday in May, the fourth day of July, the 27th day of August, the first Monday in September, the second Monday in October, the 11th day of November, the fourth Thursday in November, and the 25th day of December, of each year, and every day on which an election is held throughout the state, are declared legal holidays, on which all the public offices of the state may be closed and shall be considered and treated as Sunday for all purposes regarding the presenting for the payment or acceptance and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes placed by the law upon the footing of bills of exchange. The nineteenth day of January shall be known as "Confederate Heroes Day" in honor of Jefferson Davis, Robert E. Lee and other Confederate heroes.

Sec. 2. Sections 1 and 2, Article 10a, Subchapter IX, The Texas Banking Code of 1943, as amended (Article 342—910a, Vernon's Texas Civil Statutes), is amended¹² to read as follows:

Section 1. Legal Holidays For Banks Or Trust Companies. Notwithstanding any existing provisions of law relative to negotiable or nonnegotiable instruments or commercial paper, but subject to the provisions of Section 2 of this article, only the following enumerated days are declared to be legal holidays for banking purposes on which each bank or trust company in Texas shall remain closed: Saturdays, Sundays, January 1, the third Monday in February, the last Monday in May, July 4, the first Monday in September, the second Monday in October, the 11th day of November, the fourth Thursday in November, and December 25.

When the dates January 1, July 4 or December 25 fall on Saturday, then the Friday immediately preceding such Saturday shall also be a legal holiday for banking purposes on which each bank or trust company in Texas shall remain closed, and when such dates fall on Sunday, then the Monday next following such Sunday shall also be a legal holiday for banking purposes on which each bank or trust company in Texas shall remain closed.

All such legal holidays shall be neither business days nor banking days under the laws of this State or the United States, and any act

11. Vernon's Ann.Civ.St. art. 4591.

12. Vernon's Ann.Civ.St. art. 342—910a, §§ 1, 2.

authorized, required or permitted to be performed at or by any bank or trust company on such days may be performed on the next succeeding business day and no liability or loss of right of any kind shall result therefrom to any bank or trust company.

Sec. 2. Alternative Legal Holidays For Banks Or Trust Companies. Any bank or trust company may elect to designate days on which it may close for general banking purposes pursuant to the provisions of this section, instead of Section 1 of this article, provided that any bank or trust company which has elected to be governed by this section shall remain closed on the following enumerated days, which days are declared to be legal holidays for banking purposes: . . . andays, January 1, the third Monday in February, the last Monday in May, July 4, the first Monday in September, the second Monday in October, the 11th day of November, the fourth Thursday in November, and December 25. When the dates January 1, July 4 or December 25 fall on Saturday, then the Friday immediately preceding such Saturday may also, if the board of directors so elects, be a legal holiday for all banking purposes on which each bank and trust company so electing shall remain closed, and when such dates fall on Sunday, then the Monday next following each Sunday shall also be a mandatory legal holiday for banking purposes on which each bank or trust company which has elected to be governed by this section shall remain closed. Except as herein provided, any bank or trust company doing business in this state may, at its option, elect to be governed by this section and close for general banking purposes either on Saturday or on any other weekday of any week in the year and may elect to be closed on the preceding Friday when January 1, July 4 or December 25 fall on a Saturday, provided:

(a) such day is designated at least 15 days in advance by adoption of a resolution concurred in by a majority of the board of directors thereof (or, if an unincorporated bank or trust company, by its owner or a majority of its owners, if there be more than one owner); and

(b) notice of the day or days designated in such resolution is posted in a conspicuous place in such bank or trust company for at least 15 days in advance of the day or days designated; and

(c) a copy of such resolution certified by the president or cashier of such bank or trust company is filed with the office of the commissioner of Banking Department of Texas.

The filing of such copy of resolution as aforesaid with the office of the commissioner of the Banking Department of Texas shall be deemed to be proof in all courts in this state that such bank or trust company has duly complied with the provisions of this section. Any such election to so close shall remain in effect until a subsequent resolution shall be adopted and notice thereof posted and a copy thereof filed in the manner above provided.

If any bank or trust company elects to close for general banking purposes on Saturday or any other weekday as herein provided, it may, at its option, remain open on such day for the purpose of performing limited banking services. Notice of election to perform limited banking services shall be contained in the resolution and notices, above provided, with respect to closing for general banking purposes. Limited banking services may include such of the ordinary and usual services provided by the bank as the board of directors may determine, except the following: making loans, renewing or extending loans, certifying checks, issuing cashier's checks, and providing access to safety deposit boxes or to property held in safekeeping by the bank

Such day upon which such bank or trust company may elect to close for general banking purposes shall with respect to such institution be treated as a legal holiday for all purposes and not a business day; provided that if such bank shall elect to perform limited banking services on such day, the same shall not be deemed a legal holiday for the performance of limited banking services. Any bank or trust company which elects to close for general banking purposes on Saturday or any other weekday but which elects to perform limited banking services shall not be subjected to any liability or loss of rights for performing limited banking services or refusing to perform any other banking services on such day.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the senate on January 28, 1975, by a viva-voce vote; passed the house on February 20, 1975: Yeas 124, Nays 1.

Approved March 6, 1975.

Effective Sept. 1, 1975, 90 days after date of adjournment.

APPROPRIATIONS—STATE BOARD OF LANDSCAPE ARCHITECTS

CHAPTER 12

S. B. No. 68

An Act making a supplemental appropriation to the State Board of Landscape Architects; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated out of the Landscape Architect's Fund to the Texas State Board of Landscape Architects for the fiscal year ending August 31, 1975, for personal services, classified personnel, and all other expenses incident to operations of the Texas State Board of Landscape Architects, the sum of \$17,832.

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the senate on February 13, 1975: Yeas 29, Nays 0; passed subject to Article III, Section 49a of the Constitution; passed the house on February 25, 1975: Yeas 132, Nays 3, one present not voting; passed subject to Article III, Section 49a of the Constitution.

Approved March 6, 1975.

Effective March 6, 1975.